

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BERKS COUNTY EMPLOYEES' RETIREMENT
FUND, on behalf of itself and others similarly
situated shareholders of First American Corporation,

Plaintiff,

v.

FIRST AMERICAN CORPORATION, FIRST
AMERICAN EAPPRAISEIT, LLC, PARKER S.
KENNEDY, FRANK V. MCMAHON, DENNIS J.
GILMORE, ANTHONY R. MERLO, JR., and
DAVID J. FELDMAN,

Defendants.
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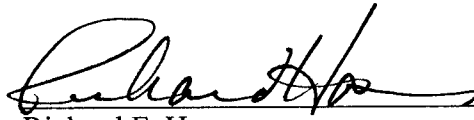
Civil Case No. 08-CV-5654 (LAK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Richard F. Hans, dated April 21, 2010, with annexed exhibits, and all prior papers and proceedings had herein, non-party Vicky Hamilton will move this Court, before the Honorable Lewis A. Kaplan, at a date and time to be determined by the Court, for an order quashing the Subpoena *Ad Testificandum* in a Civil Case issued to Vicky Hamilton dated March 24, 2010, and granting such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Practices of the Honorable Lewis A. Kaplan, opposition papers, if any, shall be served on undersigned counsel on or before April 23, 2010.

Dated: New York, New York
April 21, 2010

A handwritten signature in black ink, appearing to read "Richard F. Hans", written over a horizontal line.

Richard F. Hans
Kerry Ford Cunningham
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, NY 10020-1104

Attorneys for non-party Vicky Hamilton